

**Fremont Zoning Board of Adjustment
PO Box 120
Fremont NH 03044**

Present: Zoning Board members: Thomas Roy, Jack Baker, Brett Hunter, and Alt. Doug Andrew.

Call to order: Chairman Roy called the meeting to order at 7:35pm.

**CASE 03-16
Ingalls Lane Realty, PLLC/Beals Assoc.
Request for a Special Exception
Map 4 Lots 94, 96, 96.1, & 97**

Present: Scott Frankiewicz of Beals Associates and Mike Garrepy of Ingalls Lane Realty Trust.

Chairman Roy opened the Public/Abutter's Hearing at 7:30pm by reading the legal notice as follows:

"In accordance with NH RSA 675:6 and 675:7, you are hereby notified of a Public Hearing to be held at on Tuesday September 16, 2003 at the Fremont Town Hall at 7:30 pm for Beals Assoc. PLLC./Ingalls Lane Realty LLC, Tuck Woods Phase II, Tuck Drive, Map 4 Lots 94, 96, 96.1 & 97, Fremont New Hampshire.

The applicant is seeking a Special Exception per Article IX Section H 2 for a roadway that will cross over the wetland buffer and for a proposed single-family home driveway that will be within the 100' wetland setback as set forth in the Town of Fremont's Zoning Ordinance.

A copy of the plan can be viewed at the Fremont Town Hall during regular business hours.

You are invited to appear in person or by counsel and state reasons why the special exception should or should not be granted.

Written comments will be accepted up until the date of the hearing."

Mr. Frankiewicz from Beals Associates presented the Board with a revised plan dated 9/16/03. He proceeded with his presentation to the Board of the proposed subdivision for Tuck Woods Phase II.

On their original application they showed an approximate wetland buffer impact of 64,250 sq. ft. There is no direct wetland impact. Since then Vollmer Assoc. has reviewed the plan and has suggested that in areas where a 2:1 slope be changed to a 4:1 slope for the purpose of the eliminating the need of guardrails and for public safety. This has increased the amount of wetland buffer impact to approximately 84,875 sq. ft.

They met with the Fremont Conservation Commission on Aug. 8, 2003 to discuss the proposed changes. Chairman Whiteside was to send a letter of memorandum to the Zoning Board with their recommendation of approval.

Mr. Frankiewicz demonstrated the road reconfiguration of Tuck Drive from Phase I into Phase II. Increase in buffer numbers with not direct wetland impact. The following requests for Special Exceptions were demonstrated on the plan:

1. 0'	100' Special Exception	12,725 sq. ft.	Tuck Dr -Phase I L 1 & 2 - due inc .of slopes
2. 0'	100' Special Exception	60, 850 sq. ft.	Tuck Dr -Phase II L 11 & 12 - due inc .of slopes
3. 10'	90' Special Exception	1,200 sq. ft.	Tuck Dr -Phase II L 22 & 23 -due inc .of slopes
4. 14'	86' Special Exception	2,580 sq. ft.	Tuck Dr -Phase I L 6 & 7 - on orig.+ inc .of slopes
5. 51'	49' Special Exception	4,920 sq. ft.	Tuck Dr -Phase I L 6 & 7 - on orig.+ inc .of slopes
6. 20'	80' Special Exception	2,600 sq. ft.	Driveway for Lot 21 - on orig. plan w/no change

Mr. Garrepy stated he has provided copies of letters from the Building Inspector Colby, Health Officer Butler, Conservation Commission Chairman Whiteside, and RCCD Richard Bond.

Chairman Roy asked if these comments were on the revised plan. Mr. Garrepy stated that the comments were on the original submitted plan dated 8/13/03.

Chairman Roy stated that they would need comments on the revised plan dated 9/16/03 to consider their request. He proceeded to read the following received comments:

RCCD – Richard Bond = Based upon the data received I would recommend the approval of the special exception. The impacts to the wetlands have been minimized as much as possible.

Health Officer – Gertrude Butler = As long as you have the appropriate permits for the impact on the wetland buffers, I cannot disapprove your special exception request. I, however, do request that you respect our wetlands when you are working in that are.

Building Inspector – Paul Colby = 1. There is little impact on wetlands. 2. Previous work around wetlands is done very well. 3. I see o problems and would allow said work.

Fremont Conservation Commission – Chairman John Whiteside = Mr. Frankiewicz stated that Chairman Whiteside had e-mailed his comments today.

Mr. Garrepy requested that the Board consider giving approval based on that the modifications of the plan were done at the request of Town's engineer, Vollmer Assoc. The only difference on the plans are the change of the slopes from 2:1 to 4:1 which actually decrease the velocity of any draining water.

Chairman Roy noted that he was not stating that the revised plan was not good but that it has changed enough to warrant a second review is done.

Mr. Frankiewicz and Mr. Garrepy agreed that the plans would be resubmitted and noted that their next meeting with the Planning Board is on September 24, 2003 at 7:45pm.

Chairman Roy inquired of Mr. Frankiewicz and Garrepy that in the area where the wetland buffer is less than 10' could the road be moved? They responded by stating that this impact was caused from the change of the slopes requested by Vollmer Assoc. They could change the slopes back to the 2:1 but that would be against the town engineer's recommendation and that would take a lot of reengineering.

Mr. Garrepy noted for the record that approximately 37-acres will have a conservation easement placed on it to be held by the Fremont Conservation Commission for the Town. Most of this land abuts Spruce Swamp with 27-acre being upland. Within this is also a 10' recreation trail that restricts OHRV's & ATV's.

A Board Site Walk was scheduled for September 20, 2003 at 8:00am. After a brief discussion, Mr. Frankiewicz stated that the proposed roadway and wetland areas would be staked in order for the Board to review each area.

Chairman Roy made a Motion to continue the Public/Abutter's Hearing to September 23, 2003 at 7:30pm. Member Hunter seconded the Motion. Motion passed unanimously.

Mr. Frankiewicz and Mr. Garrepy thanked the Board for their time as they left the meeting at 8:05 pm.

Allen Copp Case #03-11

Map 2 Lot 40 - Request for Rehearing (2)

Present: Allen Copp.

Chairman Roy opened the discussion at 8:07 pm by reviewing the requests with the Board.

Mr. Copp requested that since he is present tonight that he would like to have a rehearing this evening.

Chairman Roy clarified that this is not a rehearing but a consideration there of. And explained that the Board will go through the process of reviewing Mr. Copp's requests. If they find that the Board had made any errors in their previous decision or if there are new findings in this case they will make a motion to rehear it. If there were no errors in their decision or if no new information is provided they would not reconsider it.

Chairman Roy made a Motion to make Alt. Member Doug Andrew voting member for tonight's meeting. Member Hunter seconded the Motion. Motion passed unanimously.

The Board took a few moments to read through the letter submitted from Donahue, Tucker, and Ciandella dated 8/27/03 and each Request for Rehearing.

The Board referred to RSA 673:2 with regards to the 30-day time limit for the submission of a Request for Rehearing. The Board determined that the Request was within the 30-days.

Chairman Roy asked the Board if when reading either Request that they found any new information was presented or if they felt that they made any errors in their decision of July 29, 2003. It was the consensus of the Board that no new information was presented and that they did not make any errors in their decision.

Mr. Copp asked the Board if the Board was aware of a similar case stated case. Aug. 25, 1995 with lots of record. Chairman Roy stated that that information was not presented to them within his packet.

REQUEST #1 – Board of Selectmen determination

Chairman Roy made a Motion to deny the first request for rehearing based on lack of any new information or evidence. Member Hunter seconded the motion. Motion passed unanimously.

REQUEST #2 – Building Inspector determination

Chairman Roy stated that the town records indicate that the Board ruled that the Building Inspector had misinterpreted the ordinances. There was also a letter from town counsel advising the Board on the difference between parcels and lots and that this particular piece of land is a single lot of record. Again there is no new information; therefore **Chairman Roy made a Motion to deny the second request for rehearing based on lack of any new information or evidence. Member Hunter seconded the motion. Motion passed unanimously.**

Mr. Copp thanked the Board and left the meeting at 8:30pm.

Correspondence:

Chairman Roy and Board Members reviewed the incoming mail folder that contained:

- Fliers for workshops
 - Planning Board minutes of Aug. 27, 2003,
 - Selectmen Notice of Norman Martineau, Jr., and appointment of Don Gates, Jr.
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With no other business to come before the Board, **Chairman Roy made a Motion to Adjourn the meeting at 8:45pm. Member Hunter seconded the Motion. Motion passed unanimously.**

The next meeting of the Zoning Board of Adjustment will be September 23, 2003 at 7:30pm in the basement meeting room of the Fremont Town Hall.

Transcribed from the notes of Member Hunter and tape recording and
Respectfully Submitted by,

Kimberly Dunbar, Secretary
C: SO, TC, HO, FD, PD, BI, RA, CC, PB
Files: 4- 94, 96, 96.1 & 97, & 2-40.